



Office of Worker and Community Transition
United States Department of Energy

*Labor and
Community
Reuse Organization
Workshop
Summary Report*

Las Vegas, Nevada

September 15, 1999

To Labor and Community Reuse Organization Participants:

On September 15, 1999, the Office of Worker and Community Transition held a Labor and Community Reuse Organization Workshop (Workshop) in Las Vegas, Nevada. The purpose of the Workshop was to improve the coordination between the local labor organizations and the Community Reuse Organizations (CROs) through an exchange of views, presentation of successful ventures and discussion of opportunities for improvement.

The Workshop focused on successes of joint labor-CRO activities at several sites including: Portsmouth, Ohio, Paducah, Kentucky, and at the Nevada Test Site. In addition, a representative from the Department of Labor also discussed the availability of funding programs to support worker training efforts. The proposed revisions to the Draft Policy and Planning Guidance (Guidance) for Community Transition Activities were also discussed. Once comments are incorporated, the Guidance will be transmitted to the Department field organizations, labor representatives and the CROs for review prior to publication in the Federal Register.

It is my goal to continue to assist workers in those communities affected by the Department's restructuring and minimize economic dependence on the Department. I look forward to working with each of you in continuing to accomplish this Office's mission.

Enclosed is a copy of the Workshop Summary for your information. If you have any questions, please contact Sheila Dillard at (202) 586-1311. Again, thank you for your time and support of our activities in the mutual interest of resolving work force and community transition issues.

Sincerely,

Gary K. King, Ph.D, J.D.
Acting Director, Office of Worker
and Community Transition

Enclosure

**LABOR AND COMMUNITY
REUSE ORGANIZATION
WORKSHOP**

SUMMARY REPORT

**Las Vegas, Nevada
September 15, 1999**

Office of Worker and Community Transition
U.S. Department of Energy
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INTRODUCTION AND BACKGROUND INFORMATION

Moderator: Barry Lawson, Barry Lawson Associates

Speaker: Bob DeGrasse, Office of Worker and Community Transition

Barry Lawson opened the meeting by clarifying that the purpose of the meeting was to encourage labor and community reuse organization (CRO) representatives to voice their concerns regarding the Office of Worker and Community Transition's community assistance guidance, as well as the program itself. Mr. Lawson then introduced Mr. Bob DeGrasse, Director of the Department of Energy's (DOE) Office of Worker and Community Transition (the Office).

Mr. DeGrasse stated that as a result of discussions at the Department's Annual Stakeholder Meeting earlier this year, he thought that a Workshop would be a good way to focus on the concerns that had been raised regarding the Office's community assistance guidance.

Mr. DeGrasse explained that the "meat" of the issues would be dealt with during the afternoon, and that the morning sessions would focus on some of the successes of the community transition efforts and labor-CRO relations at various DOE sites. He also said that following lunch, the focus would be on other areas of funding for community transition efforts apart from the DOE, as well as on discussing the Office's Draft Policy and Planning Guidance for Community Transition Activities.

Mr. DeGrasse said that he had been unaware of how timely the date of the Workshop would be relative to a transition that is occurring within the Department. Mr. DeGrasse announced that the DOE Secretary's Office has asked him to help with the management of Defense Program activities. He has accepted the position and finds himself facing a significant transition. The Secretary's Office wanted to make sure that a good replacement for Mr. DeGrasse's position was selected prior to the transition. Mr. DeGrasse announced that Mr. Gary King will be his replacement as Director of the Office. Mr. DeGrasse expressed that he has thoroughly enjoyed the five years that he has spent with the Office and that it has been a tremendously satisfying challenge. He stated that it is gratifying to know how much he has been able to accomplish and that it has been a great pleasure to work with all of those in the room. Mr. DeGrasse then turned the podium over to Gary King.

Mr. King stated that he was looking forward to working at the Office of Worker and Community Transition. He added that it will be a daunting task, because the Office has been molded by Mr.



DeGrasse. Mr. King maintained, however, that the staff with which he will work is incredible, so he does not anticipate major transition problems. He informed the participants that he came to work for DOE in January as a Policy Advisor for the Office of Environmental Management, in order to develop community outreach efforts for that Office. Prior to this position, he spent twelve years in the New Mexico state legislature, where he had the chance to work on many community development issues. He has also worked as General Counsel for a DOE contractor. He hopes to use experience gained from this background in his new position. Mr. King closed by announcing that he will make himself as available as possible, and noted that, as the Department closes and cleans up sites and continues to downsize the work force, his goal is to continue to develop positive approaches for the workers at those sites.

SUCCESSFUL LABOR AND CRO PROGRAMS – PORTSMOUTH

Speakers: Dan Minter, Paper, Allied-Industrial, Chemical, Energy International Union
Tom Douglas, United Plant Guard Workers of America
Greg Simonton, Southern Ohio Diversification Initiative
John Haberthy, Southern Ohio Diversification Initiative

Mr. Greg Simonton, Executive Director of the Southern Ohio Diversification Initiative (SODI), began the session by detailing the reasons that the labor and CRO programs at Portsmouth have been successful. Mr. Simonton stated that the CRO at Portsmouth formed a board in order to gain involvement from all affected parties. A concerted effort was made to encourage input and support from everyone that would be affected. Mr. Simonton noted that in the early stages, it was important to identify the stakeholders most affected by changes. SODI recognized that it was important to work together in order to maintain effective relationships. He noted that the CRO wanted the work force to help them define what was needed. First, SODI developed a representative board that included labor representatives, townspeople, and others. It was important to limit the board to a manageable size and keep everything out in the open. No major decisions were to be made secretly or within a small committee. Further, it was important that labor had a prominent place at the table. Mr. Simonton also recognized that Portsmouth has been successful in its community transition efforts because of the strong personal relationships that have been developed among the CRO and labor representatives on the Board of Directors. The close, personal relationships make it easier to see things through another person's perspective. Further, it is important that everyone finds it necessary to have a helpful attitude and is willing to work together.



Next, Mr. John Haberthy, the Financial and Business Manager of SODI, presented a background of the CRO. Mr. Haberthy first explained that the SODI is a non-profit community improvement corporation, created by community leaders in the four counties surrounding the Portsmouth Gaseous Diffusion Plant. The SODI has been recognized by the Department as a CRO whose purposes are to diversify the local economy, seek reuses of the underutilized facilities at the plant, and improve the quality of life in the region by helping to assist workers who have been downsized at the plant.

Mr. Haberthy explained that the SODI will serve as a catalyst for regional diversification of the economy by promoting reuse of plant facilities at the Piketon DOE Federal Reservation; economic development projects at other sites; improved transportation links, and work force development. The SODI will accomplish these goals by being a permanent, self-sufficient organization working in partnership with the public and private sectors, focusing on the four-county region and beyond.

Mr. Haberthy said that the goals of the SODI are to develop sites for diverse business and industry throughout the region; maximize use of developed and undeveloped areas at the Piketon DOE Federal Reservation; improve highway, rail, waterway, and air transportation facilities that maximize the regional links to other markets; support a well-trained, well-paid work force; and to aim for self-sufficiency.

Mr. Haberthy then detailed the inclusive process that occurs between the SODI and labor unions when making decisions at Portsmouth. First, there is no arbitrating or grievance handling. Second, labor provides an avenue for additional funding with the development of partnering between the two organizations. Third, labor's roles are significant. For example, the President of the union serves as the Vice President Chairperson on the Board of Directors. Fourth, the process includes non-traditional outside-the-box thinking. For example, the CRO funds a labor study to assist the community and, in fact, markets the labor organization's employees. Further, the "first opportunity" in hiring is stated in each agreement between the CRO and the sub-recipients and lessees. Finally, the CRO assists in worker training programs.

Mr. Dan Minter then gave a brief background of the site and noted the challenges and successes of the community transition program at Portsmouth. He noted that the privatization of enrichment facilities, the Bechtel Jacobs contract, and the deployment of USEC conversion facilities have posed significant challenges for the site. Mr. Minter then detailed the reasons for the success of the program at Portsmouth. These include: an early start and early involvement of



all stakeholders; the appropriate identification of stakeholders, choosing the appropriate leadership; the correct balance of work force and community involvement; the diversity of the Board of Directors; and the tremendous opportunities that the work force provides for advancement.

Tom Douglas, Safety Representative for United Plant Guard Workers, Local 66, deferred his presentation time to Mr. Dan Minter in order to allow enough time for questions and comments from the audience.

QUESTIONS AND ANSWERS:

Q: What role do the Building Trades play in this process? Also, could you talk about whether Labor Management has a role?

A: Our region encompasses four counties and there are two labor management groups. We wanted to keep our board at a manageable size so that we didn't have to involve committees. Everett Taylor was selected to represent labor management but he was unable to attend. So we asked Robert Walton.

Q: Everett Taylor has retired. The labor management group is no longer in place, so Rob Walton does not represent labor management on your board. What about the building trades?

A: When the GSEC building was constructed, we had a request for building trades. If there are new facilities to be built, there will be more requests. However, building trades do not do all of this kind of work, and we have RFPs to adhere to.

Q: How is your organization structured? At Rocky Flats, labor is not a signatory to checks and has little say in financial decisions. Why is there a difference in regards to this among sites? Shouldn't it be one size fits all?

Q: (Statement) As we are in Las Vegas, let's play the odds. In Ohio, labor has one vote in five, so I like those odds. However, if labor really has a point and there is a vote, and the odds are five to one, labor would win. I like Ohio's attitude. But, at Oak Ridge, the odds are fourteen to one. No matter how well we get along, this thing is



set up as a joke. I have attended about every meeting there has been on the by-laws constitution, and I'm proud to be a player. I guess I've done as much as possible, but I sit and chuckle if I have a point to make because the odds against me are fourteen to one. When you go from here, think about the labor folks. The odds are against them. Further, these dime stores, ice cream parlors and Walmarts that are opened as employment opportunities for displaced workers are fine, because we need entry level jobs, but we have got to have high-tech job opportunities for displaced workers, too. Labor is probably more serious than business is. It is our livelihood.

Q (Statement) Those are better odds than we have at Hanford. I didn't even know they had a CRO. Hanford has not been involved. I have much more to say about this.

SUCCESSFUL LABOR AND CRO PROGRAMS – PADUCAH

Speakers: Mike Jennings, Paducah-Area Community Reuse Organization
Jennifer Beck-Walker, Paducah-Area Community Reuse Organization
John Driskill, United Plant Guard Workers of America (UPGWA)

Ms. Jennifer Beck-Walker, Director of the Paducah-Area Community Reuse Organization (PACRO) in Paducah, Kentucky, opened the session by introducing herself and the other panel speakers. Ms. Beck-Walker first gave a background of the organization. PACRO was initiated after representatives of the Purchase Area Development District and the Greater Paducah Economic Development Council met with the DOE Site Manager, Jimmie Hodges. Mr. Hodges encouraged the organization to research the community reuse program and visit other sites in order to determine whether forming a CRO was appropriate for Paducah. PACRO then decided to conduct an informational meeting. The first meeting's invitation list was based on the DOE Community Transition Guidance, and included representatives from economic development, education, local elected officials, the private sector, DOE, the onsite contractor, and unions.

Ms. Beck-Walker then described PACRO's impact area. The area includes McCracken, Ballard, Graves, and Marshall Counties in Kentucky, as well as Massac County in Illinois. PACRO developed an Executive Committee which consists of one economic developer from each of the five counties, one labor representative from each union on-site, one DOE representative; one



representative from each major DOE contractor, one representative each from Murray State University, Paducah Community College, and West Kentucky Technical College; a PACRO administrative agent; a PACRO past chairman; seven at-large representatives from McCracken County; one at-large representative from each of the four secondary counties, and one at-large representative from the tertiary counties.

Ms. Beck-Walker also noted that PACRO developed a 10-member Finance Committee which consists of the officers of the Executive Committee, chairmen of the subcommittees, the DOE Site Manager (ex-officio at his request), one union representative, and representation from the five counties within the impact region. Overall, PACRO has a 26-member Executive Committee, a 10-member Finance Committee, a 70-member General Assembly made up of subcommittee membership. Ms. Beck-Walker noted that PACRO maintains subcommittees on work force reuse, entrepreneurial development, regional economic development initiatives, and facility reuse.

Ms. Beck-Walker then turned the presentation over to the other speakers. Mr. Jennings stated that PACRO has jumped many hurdles since its inception, the first of which were issues related to language in the PACRO Transition Plan. Mr. Driskill described the second hurdle that PACRO faced—union representation on the Finance Committee. There was one slot written in the PACRO by-laws for union representation on the Finance Committee. Because both unions felt their representation on the Committee was important, the Finance Committee decided to add another slot so that both would be represented. PACRO also decided to develop a skills survey database for workers at the Paducah Gaseous Diffusion Plant and is contracting with Paper, Allied Industrial, Chemical, Energy International Union (PACE) to maintain the database. Finally, incorporating the appropriate language into leases was another hurdle that the reuse organization had to face. Mr. Jennings then detailed several examples of lease language to illustrate the emphasis on worker assistance and re-training.

Finally, Mr. Jennings and Ms. Beck-Walker summarized the lessons that Paducah has learned through the development of a CRO and its labor relations. The speakers emphasized that it is important to learn from both good and bad previous examples, to respect the expertise of others; to make all final decisions in a public forum, to work towards resolving issues face-to-face; to be publicly supportive of the mission, to communicate at the local level; to think long-term; and to participate.



QUESTIONS AND ANSWERS:

Q: How are wages and fringe benefits guaranteed? At Rocky Flats, workers earn about \$15 per hour with about an \$8 per hour in fringe benefits. It seems there is no consistency of wages and fringe benefits across the complex.

A: (Ms. Beck-Walker) First, let me point out that we are brand new. Although we have been approved for transition funds, we have not received any yet but I will let you know how we came to this point. What we have said is that anyone who is going to come onsite at Paducah to do DOE-related work should be used to earning the DOE equivalent wage rate. Those that come onsite to do that work sign a lease that says that they are going to abide with that wage. Now, we don't have a successful case, because we haven't had the chance to do this yet, but this is what we have said that we are going to do. Anyone who comes onsite to do DOE-related work will have to abide by the DOE- equivalent wage rate.

A: (Mr. Driskill) Our plant is also a little bit different. When we were privatized, the plant was divided, and we signed a contract with the United States Enrichment Corporation. Once we were privatized, we were severed from that. Although we have been severed, our United States Enrichment Corporation (USEC) does not have the right to do that work with our PACE Local Union, so work that was directly our work before this transition, we expect to transition workers into that. Right now, we are functioning under Memorandum of Understanding. DOE is getting ready to take the USEC work, and we do expect to transition workers over to those jobs. So, our site is different because we have two different entities onsite.

Q: How did you determine that the "consensus approach" was the style that you wanted to use for making decisions at Paducah?

A: We knew that we needed expertise badly. We all developed a great respect for the expertise in the room. I don't think we've ever had a contested vote. Most of our votes have been unanimous votes.

Q: Early in the process, how did you decide who were the appropriate representatives to include on the Committee would be?



A: Our General Assembly, made up of stakeholders, has included up to seventy people but we wanted to make our Executive Committee a workable size. So, we developed a structured Executive Committee and left our subcommittees open so that anyone who wants to participate may do so. The makeup of the Executive Committee was based on DOE guidance.

Q: Do you think that the guidance given to you by DOE helped or hindered your process?

A: The guidance definitely helped us by giving us a base from which to start, but DOE made a wise choice by letting us structure this and make decisions on our own.

Q: (Statement) While your site has been successful, participation has been lacking at Oak Ridge. At Oak Ridge, it seems that there are limited invitations for involvement.

Q: (Statement) You talked about work that is being taken away from USEC. There are about 30 PACE workers that won't have jobs under USEC, so those workers will be transitioned over to subcontractors. They don't have to go. They can use their seniority, but some of them, if they don't transition, will be laid off.

A: (Statement) This transition really came from the direction of DOE-Washington and it affected two scopes of work – environmental management and environmental facilities. The idea was to change the process or protocol to keep the people performing that work so that overhead could be reduced. We are not sure if this will be the case.

A: (Statement) (Mr. DeGrasse) The objective of shifting this working relationship was to address the “inverted pyramid” problem at the site (i.e., more management and oversight individuals at the site than actual workers). Reducing overhead was the prime objective. We were not trying to penalize the people currently conducting the work, but it was an effort to engage new forms of management at the site. This was one of the instances in which the Department cooperated very well in coming up with a solution to the problem.

Q: I thought it was impressive that Paducah has made unions a part of their



Committee. This is important, because at other sites a lot of unions have been left out, especially the building trades. There should be equal representation on these boards. All unions must be included, not just the operating unions.

A: (Portsmouth) We have a contractor for our site, but the building trades have built facilities. We had about a \$2 million expansion in the 1980s for a gas centrifuge operation unit. To my knowledge, there were no jurisdictional arguments. Our unions have performed and continue to perform maintenance and upkeep functions. As far as new construction, there have been no jurisdictional issues. The building trades would be expected to conduct this work. Further, for demolition and Decontamination and Decommissioning work, there have been no problems. The question of who is covered under 3161 worker transition issues may be site specific. There are no building trades workers who have been at our site for 35 years. In many cases, the work is short term -- the project may take several months or several years. So, this short term work may not be covered under the Office's definition of who is covered under 3161 as a displaced worker. These issues may differ from site-to-site.

Q: I was not referring to building trades workers who are working on short term projects. My father was a sheet metal worker for DOE until he retired. There are unions that have been at DOE sites from day one. We have had apprentices on DOE sites who have worked their entire life on a DOE site and retired from this work, but they are still classified as a temporary worker.

A: (Mr. DeGrasse) We have seen that there are different relationships with the unions across the complex. These relations run the gamut from site to site. At most of the sites, the unions are actively involved in construction activities. Our Office has had to recognize that displaced workers are, in fact, displaced workers. We have tried to mitigate the impacts of work force restructuring and to recognize the nature of the work that is performed on the sites, all the while keeping in mind the wide range of relationships that are present from site to site.

**SUCCESSFUL LABOR AND CRO PROGRAMS – NEVADA**

Speakers: **Chee Chang, International Brotherhood of Teamsters Union**
 Janice Wiedeman, Nevada Test Site Development Corporation
 Tim Cooper, Nevada Operations Office

Mr. Tim Cooper opened the session by explaining the training efforts that are currently taking place at the Nevada Test Site (NTS). The NTS has assisted schools for hazardous materials spills, carpentry, heavy equipment operation, mining, and driver training (i.e., the Teamsters). Mr. Cooper explained that the NTS specifically works with employers to provide support for hazardous materials spills, including fuming acid, chlorine, and chemical and biological weapons components. The NTS also worked with its local carpenters union to establish a carpentry training center. Much surplus equipment was provided for the center, including saws, planers, drill presses, welders, and computers. In order to provide heavy equipment operation training, the NTS worked with its local union and with a local union from northern California. Equipment and limited start-up funds were provided for the training program. The NTS also explored other forms of partnership to continue this program. Mr. Cooper explained that the NTS worked with its local laborers union to provide tunnels, mining equipment and housing feeding for a mining training program. Finally, the NTS worked with the International Brotherhood of Teamsters on both the national and local level to develop a driver training program at the NTS. Space was provided at the NTS for the driver training program. Surplus equipment and start-up funding was also provided. Mr. Cooper emphasized that it is important to remember that non-traditional labor negotiations were used to develop these training programs. Further, Mr. Cooper added that most government programs have a specific purpose and conditions.

Ms. Chee Chang of the International Brotherhood of Teamsters (IBT) then described the driver training school in greater detail. Ms. Chang noted that the following partners were involved in establishing the IBT/NTS Training Pilot Project: DOE Headquarters; DOE Nevada; Nevada Test Site Development Corporation (NTSDC); Bechtel Nevada; IBT; Teamsters Local Union 631 Training Trust; and the Northern California Teamsters Apprentice Training.

Ms. Chang stated that the IBT/NTS Training Pilot Project was established in five phases. These phases included: the start-up phase, the train-the-trainer program, pilot testing, training, and the close-out phase. The IBT/NTS Training School will include a train-the-trainer program, which will prepare two individuals to be instructors for the school. The DOE basic instructor training course will prepare two additional individuals to be instructors for the school. The commercial



driver's license training program will include forty-two trainees and the special vehicle endorsements will include twenty trainees. The training school will prepare trainees to operate Class A, Class B, ready mix, and construction (e.g., water trucks, water pulls, drafting) vehicles.

Ms. Chang emphasized that the goals of the IBT/NTS Training Pilot Project are to train displaced or dislocated workers, to provide new skills and licenses, to provide employment opportunities in other industries or on the NTS, and to establish a Training Center on the NTS.

Ms. Janice Weideman then gave a brief presentation on the NTSDC, the site's community reuse organization. Ms. Weideman stated that the mission of the NTSDC is to facilitate the growth of science and technology in Nevada. The NTSDC achieves this mission through the reuse of federal assets, the formation of strategic alliances, and the forging of business development partnerships. These activities have resulted in high-value jobs, diversification of the economy, creation of new industries, revitalization of rural economies, and reuse of NTS assets.

Ms. Weideman noted that the IBT/NTS Training School, as presented by Ms. Chee Chang, will provide specialized equipment training, hazardous materials handling training, and commercial driver's training. Graduates of the IBT/NTS Training Program will be qualified for re-employment at the NTS in a new role, have the skills that will enable them to pursue high-value jobs, and fill the sizeable unfilled demand in the local market for drivers with advanced skills. Ms. Weideman asserted that there are several NTSDC projects that may provide opportunities for the NTS trainees. These include: industrial parks adjacent to NTS, aerospace activities, the incubator program, and alternative energy projects.

QUESTIONS AND ANSWERS:

Q: How do you decide which students you will accept for the driver training school?

A: We have formed a committee and are in the process of selecting criteria which will be used to choose students. We have already determined that the trainees must pass a drug test, have a good driving record, and agree to go without pay for the six to eight weeks in which they are being trained.

Q: You have talked about maintaining reasonably high wages. Do you have a plan for how you would do that sort of thing?



- A: The kinds of firms that we are attracting are typically high-paying firms – the aerospace and energy efficiency firms. All of these firms have agreed to consider the displaced worker as they bring on employees. We ask every company to give us a letter of commitment that they will look at displaced workers first when they hire. We've also agreed to have presentations to the unions as these projects develop to give them the opportunity to become involved as we move along.
- Q: What is the difference between what the workers are making now and what they will be expected to make as truck drivers? Are they going to make the same wage they currently make or less?**
- A: A lot of that will depend upon where the worker comes from on the test site. Right now, the industry is paying truck drivers off site comparable to what we were paying onsite.
- Q: I see this is a \$1.2 million grant and you are looking at 42 workers additionally.**
- A: We have 42 workers in basic Commercial Drivers License, two instructors, and 20 special endorsements.
- Q: What are the back-up plans when the \$1.2 million is gone and section 3161 continues to be cut more and more? We had \$200 million complex wide in 1994 and I think we are now down to \$20 million complex wide this year. So, we are at a point now when we need more funding, not less, but how are we going to address the large-scale issue at all the sites of finding funding for these training programs with the way things are going? Also, this sounds like a solution for your site, but at Rocky Flats, there is not going to be any reuse of assets and there are not going to be any companies—high tech or other—coming to the site, so this is something that would not work for our site at all. I know that the city and county planners look at the macroeconomics—they look at how many houses will go unrented and how much of a deficit there will be in the retail sales, etc. The reality is that a lot of our workers will take huge cuts in wages and benefits. They may have to go out and work two full-time jobs. From the county and city perspective, they may not see a huge differential decrease but as far as our union folks go, this does not even allow**



them to hold their own let alone enhance their quality of life. This goes back to the funding. Where are you going to get the funding to transition the workers?

A: In the case of the truck driver training center, we were not willing to go forward until the local was willing to establish in their training program funding so that this program could continue. In response, they have negotiated 25 cents per hour for every teamster that is working for the union here at Nevada. This has established a source of income. There are other types of federal grants that are out there for the existing training programs, but the training program must already be in existence. Most of the grants are not available for start-up programs. That is why we came back and invested in the start-up for these programs, so that later on, we could apply for different types of grants. In the case of truck driving, we do have the ability to reuse a portion of those drivers on the site. Also, in conjunction with the CRO, we went forth into the business community and tried to find out what jobs are out there with critical shortages. In Nevada, truck driving is experiencing shortages. A need exists for truck drivers off site, in the community, as well as onsite. Our knowledge of this need will help to ensure the current level of wages.

Q: I appreciate that, but I'd like to quote from Kaiser-Hill's business plan for Rocky Flats closure in 2006. The business plan makes the assumption that, "the local job force will be able to supply craft labor at or below typical site wages." They are banking on that. Also, another assumption is that "the Office of Worker and Community Transition funding will remain in effect." These are two critical assumptions that may not hold true at Rocky.

A: (Ms. Swichkow) I just wanted to add that Doug Holl, from the Department of Labor, will be speaking about ideas on funding programs for workers and communities. There are other funding programs out there besides what this Office offers.

Q: My name is Mike Church. I am the President of our local PACE union and also a board member on the CROET. I've heard all three sites report that each lease requires consideration be given to displaced workers. We also have those same provisions in our lease agreements with our tenants at Oak Ridge. Unfortunately, we have a lot of difficulty identifying who these displaced workers are. When staffing updates on the jobs created and the number of displaced workers are given, we receive numbers, but to validate this, we need names. Do you have a validation



system in place that identifies who these displaced workers are who are being considered for these jobs?

A: (Nevada) On a quarterly basis, we screen all of our clients to find out how many new people have been hired and how many are displaced workers.

Q: But are you given actual names? Do you know who the displaced workers are so that you can validate that they actually are displaced workers? We have seen that there is trouble defining what a displaced worker is.

A: At Nevada, a displaced worker is a former DOE worker.

A: At Paducah, we are developing a database that will list the names of displaced Paducah Gaseous Diffusion Plant workers.

Q: (Statement) That information is not provided to us. The site tenants at Oak Ridge maintain that this information is business confidential.

A: (Nevada) If I have a company that needs someone with a certain skill, they give us a brief description of the job and I'll go back to Bechtel Nevada and have them search their database for displaced workers. They can't give me a list of those employees who are available, but I can go to them with the needed skills and find out if they have any interested individuals.

A: (Nevada) For purposes of the driver training program, first opportunities for employment are given to displaced workers from the NTS. We have sent letters to our unions (to post in union halls) that describe the available training for former DOE workers at the NTS. The onus is then placed on the former employees to step forward and let their local union know that they are interested. The local union has the capacity to trace and find out whether the worker was a displaced worker. We have been successful with this.

Q: (Statement) The point is that somewhere along the line you have to know the names so that you can know whether those individuals are really qualified under the terms of displaced worker.



A: My advice would be to talk to Portsmouth or Paducah to discuss ways in which to make this information more readily available.

OPPORTUNITIES FOR FUNDING WORKER TRAINING INITIATIVES

**Speaker: Doug Holl, Office of Worker, Retraining, and Adjustment Programs,
Department of Labor**

Mr. Holl opened the session by informing the audience of the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA). The EDWAA amended Title III of the Job Training Partnership Act and provides grants to states and local sub-state grantees so they can help dislocated workers find and qualify for new jobs. Dislocated worker assistance is available to workers who have received a notice of layoff or have lost their jobs, and are unlikely to return to their previous industries or occupations. This includes workers who lose their jobs because of plant closures or mass layoffs; workers laid off as a result of federal actions, including those impacted by defense downsizing, timber or fishing policies; and long-term unemployed persons with limited job opportunities in their fields. Also, farmers, ranchers and other self-employed persons who become unemployed due to general economic conditions. Under certain circumstances, states may also authorize service for displaced homemakers.

Mr. Holl commented that each state is divided into sub-state areas. The programs are designed and operated at the local level where the decisions about who can be served and which services will be offered are made based on local labor market needs and opportunities, and available resources. The Governor of each state designates a Dislocated Worker Unit (DWU) which has the primary responsibility for overall administration and management of the program, including the establishment of a system to respond rapidly to major worker dislocations. Funds are made available to the states each year using a distribution formula based on unemployment in each state.

Mr. Holl explained that the EDWAA authorizes an array of comprehensive and timely retraining and readjustment services. Although not an entitlement program, states and local sub-state grantees can tailor the services to meet participants' individual needs based on the funds available. These services include: rapid response, retraining services, readjustment services, needs-related payments, and certificates of continuing eligibility. Retraining services include classroom, occupational skills, or on-the-job training for workers in order to qualify for jobs in demand.



Basic and remedial education, entrepreneurial training, and instruction in literacy or English-as-a-second-language may also be provided. Readjustment services include: outreach and intake; testing and counseling; development of individual service plans; labor market information; job development; job search and placement; supportive services (including child care and transportation allowances); relocation assistance and pre-layoff assistance programs. Needs related payments may be given to dislocated workers who have exhausted their unemployment insurance (UI) benefits, if they are receiving training.

Dislocated worker funding is allocated in the following way: 20 percent of the funding is offered in the form of national emergency grants, technical assistance, demonstrations or reserve for territories, while the remaining 80percent of the funding is allotted by formula to the states. Under the new Workforce Investment Act (WIA), which takes effect July 1, 2000, of this 80percent, up to 15percent is allotted for statewide work force investment activities, up to 25percent is allotted for rapid response activities, and at least 60percent is allotted by formula to local work force investment boards.

Mr. Holl mentioned that states and sub-state areas may also apply for National Reserve Account (NRA) grants from the Department of Labor's Employment and Training Administration (ETA) if they need additional funds to administer and operate projects for eligible workers dislocated due to mass layoffs, plant closures, natural disasters, and Federal Government actions.

Mr. Holl then informed the audience of the Workforce Investment Act. The Workforce Investment Act of 1998 provides the framework for a national work force preparation and employment system designed to meet the needs of the Nation's businesses and the needs of job seekers. The Workforce Investment Act programs are governed at the state level by the State Workforce Investment Board, and at the local level by the Local Workforce Investment Board. The State Boards are comprised of the Governor, two members of each chamber of the State legislature, and representatives appointed by the Governor, including business, elected officials, labor organizations, state agency heads, and individuals with experience in delivering programs and youth services. The Local Boards are appointed by local chief-elected officials, and the Governor sets the criteria for appointment. The Local Boards must include representatives of: education providers, labor organizations, community-based organizations, economic development agencies, one-stop program partners, and others appointed by the local elected official.

The most important aspect of the Workforce Investment Act is its focus on meeting the needs of



businesses for skilled workers and the training, education, and employment needs of individuals. The Act will enable customers to access the information and services they need through the “one-stop” system. The “one-stop” concept will provide customers with information and access to job training, education, and employment services at a single neighborhood location. Through the “one-stop,” employers will have a single point of contact to provide information about current and future skills needed by their workers and to list job openings. To date, over 95 percent of the states are building these centers, and over 800 centers are operating across the country.

Mr. Holl then informed the Workshop participants of what they should do if they ever experience a dislocation. First, Mr. Holl emphasized the importance of making early contact with the state DWU, local one-stop operators, or local investment boards. Employers and dislocated workers should also prepare for rapid response. Rapid response is the initial information sharing activity (for employees as well as employers) to facilitate access to all public programs to assist individuals in finding new employment. Rapid response activities are authorized and funded under Title III of the Job Training Partnership Act (JTPA) and will continue under WIA. The responsibility for rapid response rests with each state’s (DWU) which generally establishes a rapid response team. The rapid response team is responsible for providing early intervention assistance for all workers being dislocated by mass layoffs or closures within a state, regardless of the reason for the dislocation. Rapid response contact is made with the employer and an employee representative as soon as the state receives a notice of any substantial layoff or plant closure as required by the Worker Adjustment Retraining Notification (WARN) Act, or when the state becomes aware of such event through other sources. Rapid response activities include: contact with the employer and employee, promoting the formation of a labor-management or worker transition committee, providing or obtaining appropriate financial and technical advice; and developing a plan to access funds and services for customized worker assistance. Lastly, Mr. Holl addressed the importance of integrating all public and private resources to help dislocated workers.

Mr. Holl then provided a background on the WARN Act. With certain exceptions, WARN requires employers of 100 or more workers to give at least 60-days advance written notice of a covered plant closing or mass layoff so that workers can take action as necessary to find a new job. In general, the term “covered plant closing” refers to an employment action in which 50 or more people at a single site of employment are laid off during a 30 day period. A WARN notice is also required if the number of employment losses which occur during a 30-day period fails to meet the threshold requirements of a plant closing or mass layoff, but the number of employment



losses for two or more groups of workers, each of which is less than the minimum number needed to trigger notice, reaches the threshold level, during any 90-day period of either a plant closing or mass layoff. The terms “plant closing” and “mass layoff” are further defined in the regulations at 20 CFR 639.3(b) and 3(c). An employer who violates the provisions of WARN may be found liable for an amount equal to the back pay and benefits for the period of violation, up to 60 days for each affected worker.

Mr. Holl then opened the discussion to questions or comments from the audience.

QUESTIONS AND ANSWERS:

- Q: How do workers that are downsized take advantage of Department of Labor (DOL) funding?**
- A: Approximately \$1.5 billion in annual appropriations for dislocated workers supports an existing infrastructure. CROs should partner with local and state programs to use existing DOL and DOE resources efficiently.
- Q: Observation: There will be no 3161 funds awarded to supplement DOL funding. There is a competition of which funding goes first -- 3161 or Job Training Partnership Act funding.**
- A: This issue needs to be addressed mutually by DOE and DOL.
- Q: When a displaced worker is trained through DOL, how much of their previous wage are they expected to be paid at their next job?**
- A: People who have left the DOL dislocated worker program three months earlier have earned on average 102 percent of their previous wage. The program’s goal is that participants are re-employed at a wage as close to their dislocation wage as possible. Of course, some individuals may choose jobs that pay less than their dislocation wage based on other considerations, such as working conditions or personal interest.
- Q: Are performance measures monitored? How much oversight do you have?**



A: Each state submits a strategic plan to the State Investment Board. There is also a local plan. Training programs must demonstrate that they (college, training schools) can create jobs at a wage comparable to the previous job. For instance, if the Teamsters want to continue their driver training program using funding from the Department of Labor, they will have to apply and demonstrate their performance (i.e., demonstrate that the training program resulted in jobs for dislocated workers).

Q: What about future accountability – say, a year down the line?

A: There is a requirement for a 90-day follow-up to make sure that the re-hired worker is making an adequate wage down the line. We are trying to make this time period longer than it currently is.

Q: (Statement -- Jerry Harden, Rocky Flats) Many of our labor people are “bruised merchandise,” and a new employer does not want to assume the Department’s mistakes. There is a stigma that goes along with being associated with weapons production.

Q: When talking about the Department’s laborers, we are talking about highly skilled persons that do not necessarily need to be retrained. They may, however, require skill enhancement. Is there any skill enhancement training for workers?

A: There is training available to upgrade skills.

Q: (Statement) The question raised regarding skill enhancement really only applies to one third of the workers. Most of the workers are difficult to retrain for real world jobs. We need extensive training.

Q: (Statement) Typically craftspeople do not have well developed communications skills. Those types of enhancements may need to be offered.

A: We typically investigate what the needs of individuals are over the whole range of possibilities. We have offered marriage counseling to help workers deal with the stress that comes from dislocation. These types of enhancements are allowable, and certainly communications enhancement is allowed.



WORKSHOP DISCUSSION

DRAFT POLICY AND PLANNING GUIDANCE FOR COMMUNITY TRANSITION ACTIVITIES

Speaker: Deborah Swichkow, Deputy Director, Office of Worker and Community Transition

Ms. Swichkow opened the session by explaining that she would be discussing the Draft Policy and Planning Guidance for Community Transition Activities. Ms. Swichkow noted that the guidance has been revised twice. The first version was distributed in 1994, and was much less structured than the present guidance document. In 1997, a revised version of the guidance was distributed for review and was published in the Federal Register. Further changes have been made since that time.

Ms. Swichkow then presented background to the community transition program. The program was created by section 3161 of the National Defense Authorization Act for Fiscal Year 1993. Ms. Swichkow emphasized that the primary effort of the program is to assist the work force, but also to provide "local impact assistance" to communities affected by the change in the work force. Since Fiscal Year 1993, the Department has provided over \$200 million for community transition assistance to twelve affected sites. Assistance has resulted in 17,500 new or retained jobs. A projected 17,500 jobs will be created or retained by the year 2003. Ms. Swichkow maintained that in a program as large as this one it is easy to lose track of what the primary purpose is. In reviewing proposals from the CROs, the Office has sometimes found that the displaced worker element is buried somewhere deep within the proposal. She emphasized that it is important to see that element up-front in the proposals.

In May, at the Stakeholder's Conference in Chicago, the Office requested comments on the community transition guidance. Only two or three comments were received. However, in a labor meeting that took place in Chicago, the Office received a "laundry list" that informed them of the major labor issues. Labor representatives informed the Office that they did not feel that the guidance addressed labor issues, and that displaced workers seemed to be far down on the list of important issues. Consequently, the Office decided to conduct this labor union and CRO workshop because they want labor interests to be represented equally and early on these kinds of



issues. The Office wishes to see the displaced worker component in every single proposal that it receives from CROs. Ms. Swichkow noted that if a site desires funding, then it should strengthen its displaced worker and labor component within its proposal, because the Office plans to take this seriously.

Ms. Swichkow then referred to a series of slides, which first reflected the table of contents found within the guidance. The contents include the following areas: program scope, roles and responsibilities, program planning, evaluation criteria for review of projects and programs, community transition plans, performance measures, and reviews. Ms. Swichkow first addressed the program scope and then briefly discussed the eligibility and funding recipients as well as types of assistance. Finally, the Office made one modification to the program scope section of the guidance. The modification stemmed from a recommendation by the General Accounting Office (GAO) that the Office identify the process by which it determines appropriate allocation of funds. The GAO would like for the Office to identify how it determines community need for funding and to provide specific criteria by which it determines community need for a certain amount of money. In response to the GAO's recommendation, the Office added letter E, "Funding Allocation by the Department," to page 7 of the guidance, which details the four criteria by which community needs will be evaluated.

Bob DeGrasse then highlighted the criteria that will be used to determine communities economic need. The first criterion, economic distress measured by unemployment and loss of income, is consistent with the Economic Development Administration's (EDA) basic criteria of economic distress. The second criterion is job loss relative to the size of the community affected as a measure of economic dependence on the Department. The third criterion is the diversity of employment within a community and the impact of job loss on the economic base. The final criterion is the overall size of the work force reduction. The Office plans to use these criteria in an internal analysis of need. These standards will help explain why the Office allocates a certain amount of money to some sites and not others. The Office has collected preliminary data from many sites that provide metrics for the criteria. The data is not complete and the Office will need help from the sites and CROs in completing the data. Mr. DeGrasse then accepted questions on this topic.

QUESTIONS AND ANSWERS:

Q: (Paducah) So is this saying that the economic distress and work force restructuring



has to have already occurred? I thought that the idea was to work on NOT going into economic distress.

A: That is exactly our intent – to try to avoid economic distress. That is why we are working with EDA and GAO on this issue. Anticipating impacts and economic distress is obviously more effective than allowing it to occur.

Q: My observation has to do with unemployment rates versus personal disposable income. We talked this morning about people with certain skills or laborers are earning a certain wage and they find themselves repositioned in the service sector which pays considerably less. This is certainly the case for our displaced workers in Los Alamos National Laboratory, who are enjoying substantial amounts of money in the 10 to 15 dollar an hour range for skilled labor but will get minimum wage and will have to work two jobs to earn a sustainable living wage to support their families. Unemployment rates don't reflect that, but these workers are employed -- in many cases, they are employed twice, but their family income is considerably lower. I am wondering if we should have some sort of macro or micro measure of disposable income and include more of a wage factor instead of simply unemployment rate. We should also look at what is required in a particular area, because change is an important part of the equation.

A: I think that you have offered a very good suggestion. It is something that we will need some help with as far as trying to find a measure that is appropriate for use in this guidance.

Q: I feel like we should try to measure an under-employment rate, as well as an unemployment rate. Also, in order to access numbers on dislocated workers, we need as much "heads-up" from DOE as possible. It is hard to have immediate access to these numbers. So, we need a lot more direction on this issue.

A: I can guarantee you that this is an issue for us, because as you may know, we are trying to develop a work force restructuring plan for a work force restructuring activity and we have no idea what is needed. We do have an agreement with USEC to provide 120 hour-notice prior to a separation, and that is consistent with section 3161, but that would be as much notice as we would give.



Q: (Richland) We have put forth some extensive effort to collect economic profile data to fulfill the new criteria. Will what we have provided thus far for the economic profile information suffice for evaluating this year's proposals?

A: For this year, your information will probably be enough.

Ms. Swichkow then continued the presentation by briefly explaining the roles and responsibilities of key players as detailed within the guidance. The Secretary of Energy gives final approval of funding decisions. The Director of the Office is responsible for overall management of the program and for establishing policy, budget and the criteria for funding. The Department Field Organizations are responsible for day-to-day administration, designation of the CRO, and for ensuring the participation of all interested groups. Finally, the CROs are responsible for implementing the economic development activities, submitting plans, and receiving funds from the Field.

Next, Ms. Swichkow addressed Program Planning. For community transition funding activities, the CRO solicits proposals from interested parties, develops the community transition plan, and submits projects to the field organization. The Department Field Organizations assist in refining proposals prior to submitting them to the Office. The Office then transfers the proposals to the Departments of Commerce and Labor for review and approval.

Ms. Swichkow then discussed the evaluation criteria for review of projects and programs. The evaluation criteria is used by the Office, the Department of Commerce, and the Department of Labor to evaluate funding requests. The Office made several modifications to the criteria as listed in the guidance on page 12. The Office added "job creation for displaced workers" to the criteria and placed it second on the list. Ms. Swichkow emphasized that the closer the criteria are to the top of the list in Section V, the more important they are to the Office in making its funding decisions. The Office also added leveraged and matching funds to the list of criteria, as well as linkage to site reuse and clean up initiatives. These two items are of importance to the Office; thus, they will be placed higher on the list.

Next, Ms. Swichkow addressed community transition plans. She emphasized that the local labor unions should be consulted while the plans are being developed. The community transition plans detail the overall strategies and actions proposed by the communities. Planning components



include: planning analysis that establishes impacts as a result of restructuring; strengths, weaknesses, opportunities, and threats analysis; stakeholder involvement; and prioritized projects with detailed information on budget, schedule, and benefit to overall plan. Ms. Swichkow noted that because of the limited budget, it is important for the CROs to rank projects in order of importance within the proposals. Mr. DeGrasse stated that the planning analysis that establishes impacts as a result of restructuring is a critical component to add to the proposals. It is important to establish from the outset what objective is to be accomplished. It is critical henceforth to provide a clear, auditable trail of what has been accomplished. In the past, the Office has not been fully satisfied with the information included in the community transition plans.

Ms. Swichkow then discussed performance measures. Performance measures provide a mechanism to be used by the CRO and the Department to gauge success and to improve program execution. Performance measures provide objective and defensible indications of the economic development program's effectiveness. The guidance on developing performance measures advise the CROs and the field to model components parallel to evaluation criteria and to keep the measures current in order to maintain value.

The final aspect of the guidance that Ms. Swichkow addressed was the section detailing program reviews. 10 CFR Part 600 requires Financial Management Reviews for grants and cooperative agreements. Such reviews are conducted on an as-needed basis, and records from reviews should be maintained on completed grants. Program reviews are also necessary for assessing accomplishments, determining progress, and providing a forum for communicating issues. Ms. Swichkow closed by addressing the community transition issues identified by labor representatives at the May 1999 Stakeholder Meeting.

ISSUE IDENTIFICATION AND PRIORITIZATION

**Moderators: Robert DeGrasse, Director, Office of Worker and Community Transition
Barry Lawson, Lawson and Associates**

Barry Lawson opened the issue identification and prioritization meeting by reading a list, compiled following the morning sessions, of practices that seemed to have aided the sites that have experienced successful labor and CRO relations. He encouraged participants to seek ideas from the list to incorporate into their own practices upon return to their respective sites. The list included the following items: (1) workers have a say in CRO decisions early in the process; (2) the



attitude of participants is critical; (3) development of personal relationships and working together are important; (4) the balance of workers represented must be appropriate to the community; (5) vision/mission/goal statements should be developed and used; (6) a database of displaced workers and skill surveys should be used and maintained; (7) high-paying jobs should be pursued; (8) the DOE list of stakeholders is a good starting place for a compilation of affected parties; (9) willingness to listen and respect others' expertise are important; (10) all parties should share same goals; (11) unions should be represented in financial decisions; (12) lease agreements and letters of commitment should be issued by those companies coming on site; (13) decisions should be made in public; (14) the number of involved committees should be minimized; (15) the mission should be publicly supported; (16) participation develops credibility; (17) DOE wages should be consistent across the complex; (18) thinking in a long-term manner is important; (19) uncontested consensus should be sought; (20) the ability to learn from past mistakes is crucial to success; (21) DOE should allow locals to determine an individual approach (up to a point); (22) DOE should commit to make it work within the existing constraints; and (23) labor can help finance programs (e.g., use of pension funds, IBT commitment, individual worker commitment). Mr. Lawson then asked the audience for questions and comments. Mr. DeGrasse responded when appropriate.

QUESTIONS AND ANSWERS:

Q: The Office is talking about withholding grant money until it determines how to deal with some sites having uncosted funds and the labor and CRO relations. You should also put a hold on the turnover of facilities and assets until everything has been determined.

A: Yes, we agree, and we won't have money to allocate until October 1st, and we wanted to be sure that in addition to a site qualifying for a grant, that all of the additional funds had been exhausted in the uncosted categories. We planned to delay our decisions until absolutely necessary because we are in a funding shortage situation. However, I don't want to delay valid needs because we are in the process of revising the guidance--this would not be fair. We do not intend to do that.

Q: I'd like to have a suggestion in writing that you include facility transition under the same rules for the grants. When you turned the 1100 Area over to the Port of Benton, the DOE pulled the rug right out from under the Port. Port of Benton is a corporation that owns property to lease to companies in the area. We were working



with all of the Stakeholders (DOE, Unions, local government) and DOE pulled out the rug from under us. This was a very frustrating time for us.

A: It certainly is a reasonable request to try and develop guidance along these lines (when selling property for economic development purposes). There ought to be a set of criteria that the site would have to follow. I apologize that the situation was so frustrating. If a similar situation happens again, please call us and make us aware of the problem.

Q: Is the set of criteria for rules on property reuse for economic development purposes developed locally or at Headquarters?

A: There would be a generic set of rules and provisions that would emphasize what would happen to displaced workers.

Q: Could you clarify the issue regarding the transfer of the 1100 Area?

A: The idea was to reduce the overhead at Hanford by eliminating management facilities on that property, so there was a proposal to turn over the 1100 Area to the Port of Benton to limit our maintenance of that facility.

Q: The transfer of the 1100 Area didn't cut the labor rate one nickel. The saved money did not go to reducing overhead; at least not in labor's estimates.

Q: One of the things that is clear about this guidance is that it applies to the CRO portion of the program, and it doesn't include programs that are contractor-run transition programs that come under the purview of 3161. One of the things that has happened at Rocky Flats is that the first CRO grant has now been taken over by the prime contractor, Kaiser Hill, and there are other programs--there are job retraining programs. How does the guidance relate to programs that the contractor is running on behalf of the workers and what do you do in a situation in which a program was previously a CRO program, but is now a program of the contractor at the site? There are a couple of these going on at Rocky Flats now. One of the things that is obvious from some of the labor comments that have been heard today is that there have been some hard lessons learned at Rocky Flats. Obviously, those are trying to be corrected as other CROs are becoming up and running at other sites.



What is the relationship between this guidance and those programs that are geared toward the same goal?

A: There are different categories. One category comes as the result of a contractual competition -- the main ones were Hanford and Oak Ridge--in which the RFP establishes the economic development objectives. Because those are tied up in procurement process and performance of a contract, it would not be our intention for our guidance to cover those activities. Those activities grew out of the notion that the Department had control over its contractors, and that the contractors might use their leverage. There are possibilities that this would happen, but asking our cleanup contractors to do things that aren't cleanup activities and that have to do with helping a community, will require our Office to be deeply involved in identifying what the objectives should be. I think that anything done by a contractor should be tied into the community transition plan developed by the CRO and should help implement the objectives of that plan. I believe that anything that has transferred that was 3161 money ought to be managed under the same criteria in which the grants were originally given, which would be our guidance.

Q: The funds being used in most cases at Richland are Environmental Management funds. These funds are managed differently than 3161 funds. At Richland, the 3161 funds are all transferred through the CRO. Does there need to be some kind of guidance out there with respect to reindustrialization which would differentiate between what the site ought to do versus what the CRO ought to do?

A: The Department has flexibility on what type of funds to use for different activities--it is more of an issue of availability of funding for the reindustrialization effort. You could reindustrialize under a number of different guises. I have no objection to us trying to use the leverage of contractors, but true cleanup contractors may be good at cleanup and understand business decisions, but they may not understand the most cost effective ways to conduct economic development activities. It is hard for people that have worked for a long period time in government activities to change to entrepreneurial activities. To ensure that we get the best out of the contractors, we need to assert that whatever efforts are done need to be tied to community transition assistance activities. Whatever efforts are to be done should be tied to something other than the contractors blue-sky notion of how things should be done.



- Q:** (Portsmouth) I'd like to say first of all that the Oak Ridge-Bechtel Jacobs contract seems like it has been very successful. DOE, Bechtel Jacobs, and Community Reuse Organization of East Tennessee have been successful at working together. Second, they have two specific provisions in the contract that we have specifically asked for help with. We have asked that Portsmouth and Paducah be given the same help that was given to Oak Ridge. Reindustrialization support is an area that was discussed yesterday amongst the CROs. It seems to me that reindustrialization could be very valuable to us as we go through evaluations and environmental assessments looking at transitioning material off of the site. Again, I asked for help for Paducah and for us (Portsmouth) to be able to work this just like they do in Oak Ridge and access those funds both for job creation and reindustrialization.
- Q:** (Oak Ridge) The guidance addresses job creation, but not job loss. The intent of the CRO was to lease under utilized, abandoned buildings. What we see happening at Oak Ridge is, as these tenants come onsite, they don't want abandoned buildings, they want buildings that have been refurbished in the last year or buildings that are in pretty good shape. As a result, those buildings are turned over to the tenants, and the workers who are working there are moved to some other location. Once they are moved, they may not have the same capabilities to do the same DOE work that they were doing. So they are displaced. While you may have created 5 jobs, you have displaced 10 workers. And these displaced workers are not even being considered for that contract of the tenant that just came onsite. So, there needs to be consideration given here also--that is, jobs created versus jobs lost.
- A:** We recognize that we need to develop guidance which addresses the conversion of assets. We have invented things as we have progressed in this program and obviously, we haven't thought of everything. We recognize the need for consistent policy.
- Q:** (Statement) This does not answer the question of why we have not yet developed guidance.
- A:** A lot of things have been done in place of developing policy.
- Q:** Maybe we could just amend the current contract for Portsmouth and Paducah. The question is why hasn't this been done yet? It definitely involves coming up with



criteria and putting it in place.

A: We need to revisit this point and address it specifically following this session.

Q: There are several areas that we need to address. First, the performance measures within the guidance seem to be inadequate. There is a large focus on administration, but there needs to be a focus on the daily actions of the CRO in cleaning up the facilities. To determine whether the CRO is involved in the cleanup of facilities, it is important to have performance measures for security, safety and property management. These are all things that have risen to the surface. The guidance needs to inform the CRO of what is expected of them and detail the performance measures for these things.

A: You identified something in the area of facility reuse, which is detailed under number 8 on page 19 of the guidance. I agree that the performance measures in the guidance appear to weigh in on administration and business aspects and less heavily on safety, security and property management controls. The Department's Field Management Council has issued specific guidance on safety and health issues at leased facilities. I agree that if the community transition process is not working effectively, we need to put performance measures in place to address the points that you mentioned.

Q: (Statement) When the 1171 Area was transitioned, there was an off-loading of work. Then, for one year, there was no paint facility. We were forced out of that facility with no alternative.

Q: (Statement) On page 18 of the guidance, in number 1 of section D, in order for a created job to be valid, it must involve at least 32 hours of work per week, and receive compensation of at least the state-accepted minimum wage. The way this is currently written is unacceptable. A worker currently making \$32/hour transitioning to making \$5/hour is not an acceptable definition of a created job. I suggest using the Department of Labor standard of requiring the job to bring in at least 80 percent of the previous income.

Q: (Statement) There is no "metric" related to displaced worker re-employment. We need to add this. My suggestion is, if the job does not result in at least 80percent of



what was made previously, then the person should not be considered re-employed.

Q: (Statement) We also need to identify those individuals who have been displaced. We need to show a net sum loss.

Q: (Statement) For the issue of wages, I suggest that we replace “minimum wage” with a “sustainable living wage.” The sustainable living wage reflects wage changes from area-to-area. This should be included in the job creation metric.

Q: This is a statement regarding item “B” on page 12 of the guidance. We need to define “displaced worker.”

Q: The goals we are discussing today sound noble, but it is necessary to create “metrics” to which we can report. There is a tracking issue.

A: We are excited about the possibility of the CROs being able to monitor displaced workers and the creation of jobs. The CROs are supposed to be charged with the responsibility of tracking displaced workers. We would like to offload this responsibility to the CROs; however, there are sensitivities involved.

Q: (Statement) That is an excellent suggestion.

Q: On page 8 of the guidance, Department Field Organizations are charged with the responsibility of day-to-day administration of the community transition program. Some day-to-day responsibilities should be given to the CROs as well.

A: We could place the term “Field or Area Organization or Office” in that area. Our intent was to be generic.

Q: Whether the CRO could accept this responsibility is dependent on setting up data flows. Key legal issues need to be addressed. Further, we must be careful with the 80 percent criteria. DOE workers at Oak Ridge make 40 percent higher wages than the surrounding communities. I have doubts as to whether I can create high wage jobs.



A: That is why we have suggested looking at two criteria within the guidance – jobs created and retrained.

Q: We should identify and reward the CROs that can create jobs. We should work with the contractor to get that data.

A: I would add that one of the materials that should be provided to the workers is how to sign up for JOBBS. This form should be sent to the CRO. There are different classes of workers. How to define displaced workers is complicated.

Q: Setting up one-stop centers is important. We should continue to do this.

A: This is the responsibility of the labor or employment departments.

Q: (Statement) We need to have a high expectation of created jobs because the creation of jobs is linked to the health and longevity of the community. We need to have a higher standard than minimum wage. If minimum wage is all that we are focused on, then we do not need CROs. If we want to create jobs that provide higher returns than minimum wage, then we need CROs.

Q: (Statement) My first point is that we cannot take highly-skilled workers and replace them with those with none. We also need to make a distinction as to what is a displaced worker. Is this someone who is moved out of one job into another job that will eventually be laid off?

Q: (Statement) I have one last comment on displaced workers. We have already agreed that for a job to be considered created for a displaced worker, it has to be a full-time job, but in the guidance, it says that the Department may consider temporary jobs. A displaced worker will probably get a temporary job out of dire need, even if it does not pay as much as they were making before or require skills. Temporary and seasonal jobs should not be included as created jobs for the purposes of the guidance.

Q: (Statement) (Department of Labor) We typically fully define what our expectation is for a created job. If you cannot do that, then an explanation as to why the



expectation is not met should be provided. A good reason should be given, in other words. Averages should be considered as well as thresholds. You do not want to disincentivize someone by creating standards that place people outside of the standard.

Q: (Statement) Information is power. Contractors tend to pass on the perception that labor unions are bad to new businesses entering the scene. The University of Tennessee teaches that unions are bad, as well. We need to come together and make partnerships. Partnerships are 50-50. Once it is accepted that labor unions are not all bad, our partnerships will advance. But, as long as the University of Tennessee is teaching its students that labor unions are bad, we will not get anywhere. Further, if you say that you are going to consider things, then consider them.

FINAL DISCUSSIONS AND COMMITMENTS

**Moderators: Bob DeGrasse, Director, Office of Worker and Community Transition
Barry Lawson, Barry Lawson Associates**

Mr. DeGrasse began the final session by addressing each labor concern noted in the closing of Ms. Swichkow's presentation on the community transition guidance and detailing how the Office has or intends to alleviate the concerns. First, labor representatives stressed that the training opportunities offered to skilled union workers are inappropriate. In response to this comment, the Office agreed to consider adding terms to the guidance which require provisions in leases that encourage employment of displaced workers. Further, labor representatives stated that subcontractors in DOE facilities with lax training requirements that are leased via reuse initiatives sets up an inequity that is unfair to unions. Mr. DeGrasse stated that this issue will be alleviated by the Departmental Leasing Guidance, developed by the Department recently.

Labor union representatives also stated that labor is often the last interest to be heard. In response, Mr. DeGrasse agreed to consider additional guidance to ensure that there is early coordination with all stakeholders. Further, labor representatives stated that outsourcing means that no attempt is made to recycle existing union workers. Mr. DeGrasse agreed that the concern is valid and that the Office will try to address the issue more vigorously. Labor representatives stressed that they do not have an equal voice with other stakeholders and that labor is under-represented with the CROs. Further, displaced workers do not get called for job interviews,



especially once they have taken a temporary position. Mr. DeGrasse recognized the importance of utilizing the skilled work force. Finally, labor representatives claimed that safety concerns seem to be ignored when economic incentives are highlighted. Mr. DeGrasse responded that this concern will also be addressed by the Departmental Leasing Guidance. Mr. DeGrasse then opened the session to final questions and comments from the audience.

QUESTIONS AND ANSWERS:

Q: How is this guidance document going to be enforced? Further, how does your successor, Mr. King, plan on carrying on the program, and making sure that it “has some teeth in it?”

A: (Bob DeGrasse) Certainly we would consider providing or withholding funding when guidelines in the policy are or are not accomplished by the CRO. I will let Gary King answer the second part of your question.

(Gary King) The reason that I am here today is to hear and to understand all of these issues and concerns. This is the most important thing that I can do to ensure a smooth transition after Bob leaves. I also have a history of dealing with the kinds of situations that have been described today. As a lawyer, I believe that enforcement is important. It is not my goal to change the whole organization. Bob has a good staff working for him. I think, though, that with me becoming the new Director of this Office, you have a new ear which will listen to you. There may be some things that you voice that I find important that Bob did not, and vice versa. This may be beneficial to you. I can assure you, in this Administration, it is our goal to deal with labor and worker issues.

Mr. DeGrasse then referred to a flip chart in the front of the room on which he had transcribed nine commitments that the Office will make in regards to the comments and suggestions that were made throughout the day's sessions. The commitments include the following:

- (1) Develop guidance for facility reuse designed to aid economic development.
- (2) Consider developing guidance for contractor-led economic development programs.
- (3) Add performance measure to the guidance that captures CRO success in re-employing displaced workers.
- (4) Consider “living wage” as an alternative to “minimum wage” in the job creation



- metric. Also review “temporary” or “seasonal” criteria.
- (5) Consider assigning CROs the responsibility for monitoring and encouraging re-employment of displaced workers.
 - (6) Develop metric for measuring safety, security and property management controls in facility reuse.
 - (7) Add funding allocation criteria for anticipating economic distress and responding to under-employment.
 - (8) Add provisions to the guidance requiring provisions in leases that encourage employment of displaced workers.
 - (9) Consider additional guidance to ensure that there is early coordination and fair representation with all stakeholders.

Mr. DeGrasse then opened the session to final comments or questions.

Q: Perhaps a good way to measure the performance of CROs is to create and distribute a questionnaire to labor unions that deal with CROs. The questionnaire may ask labor individuals if they are aware of the right individuals within the CROs to contact or perhaps, what pitfalls have been encountered in the process of working with the CRO. It is important to ask the transitioning workers how they feel about the CRO in order to measure the performance of the CRO.

A: That is a good idea. We will certainly consider it.

Q: How do we work on changing the conflict of opinion between labor and the CROs?

A: I encourage the CROs to think differently and to offer creative solutions. The CROs should get excited about using the work force.

Q: How do you intend to deal with the privatization and outsourcing issue, in that things are continuing to cost more, not less? It is time to address the problem that outsourcing does not always save money.

A: This is indeed a continuing challenge that is charged with contractual issues. Language is written into collective-bargaining agreements that I do not intend to encroach upon; the rights are between the contractor and the employees.



After these final comments were received, Mr. Lawson adjourned the Workshop, reminding participants of the post-meeting reception for all participants, beginning at 6 p.m.



APPENDIX A

FINAL PARTICIPANTS LIST LABOR AND COMMUNITY REUSE ORGANIZATION WORKSHOP BALLY'S LAS VEGAS, LAS VEGAS, NEVADA SEPTEMBER 15, 1999

David Abelson
Executive Director
Rocky Flats Coalition of Local Governments
5460 Ward Road
Suite 205
Arvada, CO 80002
Phone: 303-940-6090
Fax: 303-940-6088
E-mail: dabelson@rfclog.org

Cheryl Abernathy
Contractor Industrial Relations Specialist
Nevada Operations Office
US Department of Energy
PO Box 98518
Las Vegas, NV 89193-8518
Phone: 702-295-1019
Fax: 702-295-2367
E-mail: abernathy@nv.doe.gov

Bob Baney
Grants Administrator
Office of Worker and Community Transition
U.S. Department of Energy
(WT-1) Room 6G-063/ FORS

1000 Independence Avenue, SW
Washington, DC 20585
Phone: 202-586-3751
Fax: 202-586-1540
E-mail: Robert.Baney@hq.DOE.gov

Eileen L. Beaulieu
Community Manager
Albuquerque Operations Office
U.S. Department of Energy
PO Box 5400
Albuquerque, NM 87185
Phone: 505-845-4984
Fax: 505-845-4239
E-mail: ebeaulieu@doeal.gov

Jennifer Beck-Walker
Director
Paducah Area Community Reuse
Organization
P O Box 588



Mayfield, KY 42066
Phone: 270-251-6166
Fax: 270-251-6110
E-mail: puradd@apex.net

Rick Betteridge
Director, Technology Development Division
U.S. Department of Energy
Nevada Operations Office
Post Office Box 98518
Las Vegas, NV 89193-8518
Phone: 702-295-0520
Fax: 702-295-1810
E-mail: betteridge@nv.doe.gov

Toby C. Bickmore
Industrial Relations Specialist
Nevada Operations Office
U.S. Department of Energy
PO Box 98518
Las Vegas, NV 89193-8518
Phone: 702-295-1012
Fax: 702-295-2367
E-mail: bickmore@nv.doe.gov

Sarah Billups
Science Applications International
Corporation
(SAIC)
901 D Street, SW
Suite 201

Washington, DC 20024
Phone: 202-488-6618
Fax: 202-488-3158
E-mail: billupss@saic.com

Jeff Bostock
Chairman
Community Reuse Organization of East
Tennessee
107 Lea Way
P.O. Box 2110
Oak Ridge, TN 37831
Phone: 423-483-1336
Fax: 423-481-6126
E-mail: bostockdj@aol.com

Lyle Brown
Contractor Industrial Relations Specialist
Office of Worker and Community Transition
U.S. Department of Energy
(WT-1) Room 6G-057/ FORS
Washington, DC 20585
Phone: 202-586-0431
Fax: 202-586-8403
E-mail: lyle.brown@hq.doe.gov

Robert J. Brown, III
Assistant Manager for Assets Utilization
U.S. Department of Energy
P.O. Box 2001
Oak Ridge, TN 37831
Phone: 423-576-2535
Fax: 423-241-4339
E-mail: browarj@oro.doe.gov



Steven L. Burton
Business Manager
Tri-State Building & Construction Trades
Council
2141 Carter Avenue
P O Box 1027
Ashland, KY 41105-1027
Phone: 606-324-9880
Fax: 606-324-2966
E-mail:

Chee Chang
Program Manager
International Brotherhood of Teamsters
Union
25 Louisiana Avenue N W
Washington, DC 20001
Phone: 202-624-6963
Fax: 202-624-8125
E-mail: chee328@aol.com

Michael Church
President
Paper, Allied Industrial, Chemical, Energy
Int'l Union (PACE)
Local 5-288
P.O. Box 4936
Oak Ridge, TN 37831-4936
Phone: 423-483-3745
Fax: 423-483-6460
E-mail: pace@icx.net

Michael J. Cleghorn
President
National Council of Security Inspectors

(NCSI)
705 Glen Abbey Circle
Las Vegas, NV 89107
Phone: 702-259-4410
Fax: 702-259-0010
E-mail:

Tim Cooper
General Engineer
Nevada Operations Office
U.S. Department of Energy
232 Energy Way
North Las Vegas, NV 89030
Phone: 702-295-2379
Fax: 702-295-1113
E-mail: cooper@nv.doe.gov

John Cunningham
Interim Executive Director
Savannah River Regional Diversification
Initiative (SRRDI)
Aiken Technical College
P O Box 696
Aiken, SC 29802
Phone: 803-593-9954x1409
Fax: 803-593-4296
E-mail: srrdi@aik.tec.sc.us

Mike Dabbert
Resource Management Specialist
Portsmouth Gaseous Diffusion Plant
U.S. Department of Energy
P O Box 700



Piketon, OH 45661
Phone: 740-897-5525
Fax: 740-897-2982
E-mail: dabbertmj@ornl.gov

Robert W. DeGrasse, Jr.
Director
Office of Worker and Community Transition
U.S. Department of Energy
(WT-1) Room 6G-030/ FORS
1000 Independence Avenue
Washington, DC 20585
Phone: 202-586-7550
Fax: 202-586-8403
E-mail: robert.degrasse@hq.doe.gov

Sheila Dillard
Program Support Specialist
Office of Worker and Community Transition
U.S. Department of Energy
(WT-1), 6E-034B/FORS
Washington, DC 20585
Phone: 202/586-1311
Fax: 202/586-1737
E-mail: shelia.dillard@hq.doe.gov

Tom Douglas
Safety Representative
United Plant Guard Workers, Local 66
Lockheed Martin Utility Services
P O Box 628

Piketon, OH 45661
Phone: 740-897-5861
Fax: 740-897-2146
E-mail:

John Driskill
President
United Plant Guard Workers of America
Local 111
767 Dry Bridge Road
Smithland, KY 42081
Phone: 270-928-2621
Fax: 270-441-6704
E-mail: puradd@apex.net

Clara Foster
Computer Specialist
Office of Worker and Community Transition
U.S. Department of Energy
(WT-1), Room 6E-034A/FORS
Washington, DC 20585
Phone: 202/586-5881
Fax: 202/586-1737
E-mail: clara.foster@hq.doe.gov

Rod Fuger
Business Manager
Plumbers & Pipefitters Local 648
P.O. Box 1120
Pocatello, ID 83204
Phone: 208-232-8492
Fax: 208-232-8493
E-mail: IBT0E370@CRSINTERNET.COM



Jacqie Gernant
Economic Development Program Manager
Idaho Operations Office
Department of Energy
850 Energy Drive, M/S#1214
Idaho Falls, ID 83401-1562
Phone: 208-526-1742
Fax: 208-526-8789
E-mail: gernanja@id.doe.gov

Mike J. Grauwelman
President
Miamisburg Mound Community
Improvement Corporation
P.O. Box 232
Miamisburg, OH 45343-0232
Phone: 937-865-4462
Fax: 937-865-4431
E-mail: mmcic@aol.com

John Haberthy
Program Coordinator
Southern Ohio Diversification Initiative
1864 Shyville Road
Piketon, OH 45661
Phone: 740-289-8898
Fax: 740-289-4591
E-mail: haberthy.zoomaet.net

Robert L. Hamilton
Program Development Manager
Oak Ridge Operations Office (CC-20)
U S Department of Energy
P O Box 2001

Oak Ridge, TN 37831-8751
Phone: 423-576-7723
Fax: 423-576-6363
E-mail: hamiltonrl@oro.doe.gov

Jerry M. Harden
President
United Steelworkers of America
Local Union 8031
P O Box 745370
Aravada, CO 80006-5370
Phone: 303-966-2798
Fax: 303-966-4317
E-mail:

Doug Holl
U.S. Department of Labor
Francis Perkins Building, Rm. N5426
200 Constitution Avenue, NW
Washington, DC 20210

Mike Jennings
Continuous Improvement Coordinator
PACE 5-550 (Paducah PACRO)
PO Box 446
Brookport, IL 62910
Phone: 270-441-6714
Fax: 270-441-5752
E-mail: Mjennings@chics

Leroy Jobe
General Treasurer
International Guards Union of America
Pantex Plant
1703 Jasmine Street



Amarillo, TX 79107
Phone: 806-383-9903
Fax: 806-383-1329
E-mail: igua2@amaonline.com

Gary K. King
Policy Advisor
Office of the Assistant Secretary for
Environmental Management
Department of Energy
1000 Independence Ave., SW, EM-2
Washington, DC 20585
Phone: 202-586-0534
Fax: 202-586-5547
E-mail: gary.king@em.doe.gov

Randy Lawson
President
International Guards Union of America
Local 3
P.O. Box 2009
LMES, Building 9710-3/MS-8212
Oak Ridge, TN 37831-6316
Phone: 423-574-7732
Fax: 423-241-1117
E-mail: YLZ@ornl.gov

Barry R. Lawson
President
Barry Lawson Associates
Old Cemetery Road
P O Box 26

Peacham, VT 05862-0026
Phone: 802-592-3949
Fax: 802-592-3950
E-mail: lawson@helicon.net

Charles J. Mannila
Assistant General Manager
PTLA
P.O. Box 1400
Las Alamos, NM 87544
Phone: 505-665-1177
Fax: 505-665-7759
E-mail: cmannila@lanl.gov

Roy D. Maynard
President
Idaho State Building and Construction
Trades Council
P. O. Box 1284
Pocatello, ID 83204
Phone: 208-232-8492
Fax: 208-232-8493
E-mail:

Dennis McCoy
Recording Secretary
United Steelworkers of America
P.O. Box 745370
Arvada, CO 80006-5370
Phone: 303-966-5298
Fax: 303-966-4317
E-mail:

Dan Minter
President



Paper, Allied Industrial, Chemical, Energy
Int'l Union (PACE)
Local 5689
P O Box 467
Piketon, OH 45661
Phone: 740-289-2405
Fax: 740-289-2126
E-mail:

David M. Navarro
Vice President
United Steelworkers of America
Local Union 8031
7850 Yates Street
Westminster, CO 80030
Phone: 303-966-6871
Fax: 303-427-3382
E-mail: DavNavarro@aol.com

Willis Norton
Business Manager
Ironworkers Local 732
P.O. Box 1120
Pocatello, ID 83204
Phone: 208-232-8492
Fax: 208-232-8493
E-mail: IBT0E370@CRSINTERNET.COM

Dennis Pennington
Union - PACE
Operations Management International, Inc.
2010 Highway 58
Suite 4101

Oak Ridge, TN 37830
Phone: 423-241-0729
Fax: 423-241-0734
E-mail:

Clayton L. Plemmons
International Representative
Laborers International Union of
North America
5845 Live Oak Parkway, Suite B-1
Norcross, GA 30093-1738
Phone: 770-446-1502
Fax: 770-446-6970
E-mail:

Duronda Pope
United Steelworkers of America
P.O. Box 745370
Arvada, CO 80006-5370
Phone: 303-966-2798
Fax: 303-966-4317
E-mail:
Richard Provencher
Director
Miamisburg Environmental Management
Project
U.S. Department of Energy
1 Mound Road
P.O. Box 66
Miamisburg, OH 45343
Phone: 937-865-3252
Fax: 937-265-4118
E-mail: richard.provencher@ohio.doe.gov

David Provost



Executive Director
Regional Development Corporation
P.O. Box 6850
Santa Fe, NM 87502
Phone: 505-820-1226
Fax: 505-983-8654
E-mail: dprovost@roadrunner.com

Kristin Reese
Chairperson
Paducah Area Community Reuse
Organization
Post Office Box 588
Mayfield, KY 42055
Phone: 270-575-6633
Fax: 270-575-6648
E-mail: puradd@apex.net

Doug Rorer
Contractor IR Specialist
Department of Energy - Nevada
P.O. Box 98518
Las Vegas, NV 89193-8518
Phone: 702-295-0945
Fax: 702-295-2367
E-mail:

Scott Sanders
Safety Representative
IGUE Local No. 3 Oak Ridge Y-12
P.O. Box 6316

Oak Ridge, TN 37831
Phone: 473-574-6976
Fax: 473-576-2570
E-mail: sn8@ornl.gov

Dave Shelton
President
International Guards Union of America
Route 8, Box 32-14
Amarillo, TX 79118
Phone: 806-622-2424
Fax: 806-622-3500
E-mail: igua@amaonline.com

Greg Simonton
Project Coordinator
Southern Ohio Diversification Initiative
1364 Shyville Road
Piketon, OH 45661
Phone: 740-289-3654
Fax: 740-289-4591
E-mail:

Keith Smith
Recording Secretary
Hanford Atomic Metal Trades Council
1305 Knight Street
Richland, WA 99336
Phone: 509-946-4071
Fax: 509-943-5245
E-mail: mach1951@aol.com

William Snyder
Counsel
Community Reuse Organization of East



Tennessee
Kramer, Rayson, Leake, Rodgers & Morgan
LLP
P.O. Box 629
Knoxville, TN 37901
Phone: 423-525-5134
Fax: 423-522-5723
E-mail: snyderb@oro.doe.gov

Sean Stockard
Economic Transition Program Director
Tri-City Industrial Development Council
901 North Colorado Street
Kennewick, WA 99336
Phone: 509-735-1000 225
Fax: 509-735-6609
E-mail: sstock@owt.com

Deborah Sullivan
Contractor Industrial Relations Specialist
Office of Worker and Community Transition
U.S. Department of Energy
(WT-1) Room 6G-059/ FORS
Washington, DC 20585
Phone: 202-586-0452
Fax: 202-586-1540
E-mail: deborah.sullivan@hq.doe.gov

Deborah Swichkow
Deputy Director
Office of Worker and Community Transition
U.S. Department of Energy
(WT-1) Room 6G-030/ FORS
1000 Independence Avenue

Washington, DC 20585
Phone: 202-586-0876
Fax: 202-586-8403
E-mail: Deborah.Swichkow@hq.doe.gov

Chuck Vogel
Business Manager
Laborers Local 155
P.O. Box 1120
Pocatello, ID 83204
Phone: 208-232-8492
Fax: 208-232-8493
E-mail: IBT0E370@CRSINTERNET.COM

Janice Wiedemann
Vice President, Administration
NTS Development Corporation
2330 Paseo Del Prado, Suite C-101
Las Vegas, NV 89102
Phone: 702-257-7900
Fax: 702-257-7999
E-mail: jwiedemann@ntsdev.com

Daniel Wilken
Assistant Manager for Administration
Oak Ridge Operations Office
U.S. Department of Energy
P O Box 2001
Oak Ridge, TN 37831
Phone: 423-576-9603
Fax: 423-241-4439
E-mail: wilkendh@doe.oro.gov

Jim Worthington
Nuclear and Hazardous Materials Specialist



Sheet Metal Workers' International
Association
30330 80th Avenue N W
Stanwood, WA 98292
Phone: 360-629-4348
Fax: 360-629-4086
E-mail:



APPENDIX B

AGENDA

**U.S. Department of Energy
Office of Worker and Community Transition
Labor and Community Reuse Organization Workshop
Bally's Las Vegas Hotel
Las Vegas, Nevada
Skyview Room 1, North Tower, 26th Floor**

Purpose: To bring together organized labor interests and community development activities in order to foster a better relationship.

Wednesday, September 15, 1999

8:00 - 8:45 a.m. **Workshop Registration**

8:45 - 9:00 a.m. **Introduction/Background Information**
Speaker: Bob DeGrasse, Office of Worker and Community Transition

9:00 - 10:30 a.m. **Successful Labor and CRO Programs**
Portsmouth - Dan Minter, PACE/Tom Douglas, UPGWA
Greg Simonton/John Haberthy, SODI
Paducah - Mike Jennings, PACRO/Jennifer Beck-Walker, PACRO
John Driskill, UPGWA

10:30 - 11:00 a.m. Break

11:00 - 11:45 a.m. **Successful Labor and CRO Programs Continued**
Nevada - Chee Chang, IBT/Janice Wiedemann, NTSDC
Tim Cooper, Nevada Operations Office

11:45 - 12:30 p.m. Lunch

12:30 - 1:30 p.m. **Opportunities for Funding Worker Training Initiatives**



Speaker: Doug Holl, Office of Worker, Retraining, and Adjustment Programs,
Department of Labor

1:30 - 3:30 p.m. **Workshop Discussion:**
Draft Policy and Planning Guidance for Community Transition Activities
Speaker: Deborah Swichkow, Office of Worker and Community Transition
Issue Identification and Prioritization
Moderator: Barry Lawson, Lawson and Associates

3:30 - 4:00 p.m. Break

4:00 - 5:30 p.m. **Workshop Discussion Continued**
Final Discussions and Commitments

6:00 - 7:30 p.m. Reception

Skyview Room 4